

REMARKS

Applicant respectfully requests re-consideration of the application in view of the amendments and the arguments presented below.

Summary of Office Action

Claims 1-23 are pending.

Claims 1-23 were provisionally rejected on grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of co-pending application no. 10/750,421.

Claims 1 was rejected under U.S.C. § 103 as being unpatentable over “admitted prior art” (APA).

Claims 2-8 and 11-12 were rejected under 35 U.S.C. § 103 as being unpatentable over the APA in view of U.S. Patent No. 6,990,191 of Anderson, et al. (“Anderson”).

Claims 9 and 20 were rejected under 35 U.S.C. § 103 as being unpatentable over the APA in view of Anderson and U.S. Patent No. 5,835,533 of Booth, et al. (“Booth”).

Claims 13-19 and 21 were rejected under 35 U.S.C. § 103 as being unpatentable over the APA in view of Anderson.

Claims 22-23 were rejected under 35 U.S.C. § 103 as being unpatentable over APA and Anderson and further in view of U.S. Patent No. 6,226,331 of Gambuzza (“Gambuzza”).

Claim 10 was indicated as being allowable if re-written.

Summary of Amendments

Claim 1 was amended. Support for the amendment may be found, for example, in Figures 6A, 6B and at page 15, line 19 through page 17, line 13. Applicant submits that the amendments to the claims do not add new matter.

Replacement Drawings

Accompanying this Amendment are replacement sheets for drawings 1-3, 4A, and 4B. Although the Examiner accepted the drawings filed December 31, 2003, the Examiner has objected to the same drawings in co-pending applications filed on the same date. Applicant has previously amended the drawings in those co-pending applications in response to the Examiner's objections in those applications (see, e.g., filewrapper for application no. 10/750,421).

Applicant has designated Figures 1-3 and 4A with the legend "Prior Art". Figure 4B has not been designated with a "Prior Art" legend.

Response to nonstatutory obviousness-type double patenting rejections

Claims 1-23 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of co-pending application no. 10/750,421.

Accompanying this Amendment is a terminal disclaimer that terminally disclaims the present application against co-pending application no. 10/750,421. Accordingly, applicant submits that application no. 10/750,421 has been obviated as a reference.

Applicant respectfully submits that the nonstatutory obviousness-type double patenting rejection has been overcome.

Response to 35 U.S.C. § 103 rejections

Claims 1-23 were rejected under U.S.C. § 103 as being unpatentable over "admitted prior art" (APA) in view of Anderson, Booth, or Gambuzza.

The Examiner has relied upon labeling Figure 4B as "admitted prior art" for all of his arguments. However, Figure 4B is not admitted prior art. First, the Examiner indicated that the drawings filed December 31, 2003 were accepted. Such drawings did not identify Figure 4B as prior art.

In response to the present Office Action, applicant has submitted replacement sheets for Figures 1-3, 4A, and 4B. Although Figures 1-3 and 4A are designated with a "Prior Art" legend, Figure 4B is NOT designated as "Prior

Art". Thus applicant submits the "alleged APA" is not APA and thus is removed as a reference.

With respect to the rejection of claim 1, the Examiner has relied upon non-existent "admitted prior art". Applicant respectfully submits that there is no APA as alleged by the Examiner. Given the rejection of the dependent claims of claim 1 in view of Anderson, applicant will address claim 1 in view of Anderson.

Anderson discloses a single driver for voice, data, and metering (Anderson, block 250, Fig. 2). Even if one declares block 250 to be a summing block and blocks 230, 235 to be the actual drivers, clearly both drivers are communicating downstream data, metering signal, and voice. There is no teaching or suggestion found in Anderson of 1) *a first driver for driving a downstream data signal onto a subscriber line*; and 2) *a second driver for driving a downstream voice signal, wherein the first and second drivers are distinct, wherein the first driver resides on a same integrated circuit die as receiver circuitry coupled to provide the upstream data signal and upstream voice signal from the subscriber line*.

In contrast, claim 1 includes the language:

1. A subscriber line interface circuit apparatus, comprising:
a first driver for driving a downstream data signal in a non-voiceband range onto a subscriber line;
a second driver for driving a downstream voice signal in a voiceband range onto the subscriber line, wherein the first and second drivers are distinct;
and
receiver circuitry coupled to provide an upstream data signal and an upstream voice signal from an upstream signal carried by the subscriber line, wherein the first driver and receiver circuitry reside on a same first integrated circuit die.

(Claim 1)(*emphasis added*)

With respect to claim 13, Anderson, appears to teach that there is a single driver (250) or alternatively that the drivers (230, 235) each drive all the downstream signals including metering, voice, and data. Applicant thus submits that there is not a first driver handling downstream data that is distinct from a second driver handling metering and downstream voice. Moreover, if element 30 is an integrated circuit then to the extent that distinct first and second drivers

exist, Anderson would teach that they necessarily reside on the same integrated circuit die. Accordingly, Anderson does not teach or suggest 1) *first driver circuitry for driving a downstream data signal onto a subscriber line*; 2) *second driver circuitry for driving a downstream voice signal and a metering signal onto the subscriber line, wherein the first driver resides on an integrated circuit die exclusive of the second driver circuitry*.

In contrast, claim 13 includes the language:

13. A subscriber line interface circuit apparatus, comprising:
first driver circuitry for driving a downstream data signal onto a subscriber line;
second driver circuitry for combining and driving a metering signal and a downstream voice signal onto the subscriber line; and
receiver circuitry for receiving and separating an upstream signal from the subscriber line into an upstream voice signal and an upstream data signal, wherein the first driver circuitry and the receiver circuitry reside on a same first integrated circuit die exclusive of the second driver circuitry.

(Claim 13)(*emphasis added*)

Applicant thus submits that claims 1 and 13 are patentable under 35 U.S.C. § 103 in view of Anderson.

Applicant submits that Gambuzza and Booth were cited only with respect to dependent claims. Therefore, applicant submits claims 1 and 13 are patentable under 35 U.S.C. § 103 in view of the cited references.

Given that claims 2-12 depend from claim 1 and claims 14-23 depend from claim 13, applicant submits claims 2-12 and 14-23 are patentable over the cited references.

Applicant respectfully submits the rejections under 35 U.S.C. § 103 have been overcome.

Conclusion

In view of the arguments presented above, applicant respectfully submits the applicable rejections have been overcome. Accordingly, claims 1-23 should be found to be in condition for allowance.

If there are any issues that can be resolved by telephone conference, the Examiner is respectfully requested to contact the undersigned at (512) 858-9910.

Respectfully submitted,

Date October 1, 2007 William D. Davis
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